



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

May 9, 2016

Stanley Speaks
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232

Dear Mr. Speaks:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act, and the Council on Environmental Quality regulations for implementing NEPA, the U.S. Environmental Protection Agency has reviewed the Bureau of Indian Affairs' Administrative Draft Environmental Impact Statement for the proposed **Coquille Indian Tribe Fee-to-Trust and Casino Project** (EPA Project Number 15-0008-BIA) in the City of Medford, Jackson County, Oregon.

The Administrative DEIS evaluates potential environmental impacts associated with the Coquille Indian Tribe's proposed 2.4-acre fee-to-trust transfer and subsequent developments in the City of Medford. This action is needed to advance and promote tribal self-determination and sufficiency, and community development. Analysis of impacts from the proposed action considered five action alternatives (A-E), including a No Action (p. 2-1). Two of the four development Alternatives (A, B) would be built on Medford site (8.91 acres), while Alternative C and D would be built on Phoenix (49.34 acres) and Mill Casino (10.95 acres) sites, respectively. The DEIS identifies Alternative A as the BIA's Preferred Alternative. Under this Alternative, 2.4-acre parcel of the Medford site would be transferred from fee to trust status, the existing bowling alley would be retrofitted and remodeled into a 30,300-square-foot gaming facility with 650 gaming machines and other gaming support services, and the rest of the Medford Site would be used as parking space.

We believe that the Administrative DEIS provides adequate discussion of the potential environmental impacts and we have not identified any environmental impact requiring substantive changes. However, we would suggest that future EIS documents include the following:

- Updated information on the status of required approvals and permits for the project, particularly the National Pollutant Discharge Elimination System (NPDES) and related measures to protect water quality.
- Outcomes of Consultation under Section 106 of the National Historic Preservation Act.
- List and brief summary of all federal, state, and local laws, executive orders, directives, and regulations applicable to the project. Specifically, indicate how the project would implement the provisions of:

- Section 438 of the Energy Independence and Security Act that requires federal agencies reduce stormwater runoff from federal development projects to protect water resources.
- Executive Order 13514, *Leadership in Environmental, Energy, and Economic Performance* and 13693, *Planning for Federal Sustainability in the Next Decade*.
- Information on an environmental inspection and mitigation-monitoring program to ensure compliance with all mitigation measures and assess effectiveness. The NEPA documents should describe the program and its use as an effective feedback mechanism so that needed adjustments can be made to meet environmental objectives throughout the period of the project.

We appreciate the opportunity to review this DEIS. If you have question about our comments, please contact me at (206) 553-1601 or by electronic mail at littleton.christine@epa.gov, or you may contact Theo Mbabaliye of my staff at (206) 553-6322 or electronic mail at mbabaliye.theogene@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Christine B. Littleton". The signature is fluid and cursive, with the first name being the most prominent.

Christine B. Littleton, Manager
Environmental Review and Sediment Management Unit



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TRIBAL AND PUBLIC
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February 17, 2015

Stanley Speaks
Northwest Regional Director
Bureau of Indian Affairs, Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232-4165

Re: Scoping comments on the proposed Coquille Indian Tribe Fee-to-Trust and Casino Project (EPA Project Number: 15-0008-BIA)

Dear Mr. Speaks:

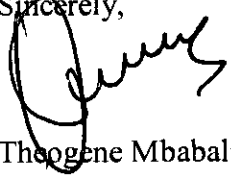
In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) has reviewed the Notice Of Intent to prepare an Environmental Impact Statement (EIS) for the proposed **Coquille Indian Tribe Fee-to-Trust and Casino Project** in the City of Medford, Jackson County, Oregon. Section 309 of the Clean Air Act specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major Federal actions.

According to the NOI, the Bureau of Indian Affairs (BIA), in cooperation with the Coquille Indian Tribe (Tribe), will prepare an EIS for a proposed 2.4-acre fee-to-trust transfer and casino project to be located in the City of Medford, Oregon. This development would include renovation of an existing bowling alley to convert it into a gaming facility and use of adjacent fee land for parking. This action is needed to improve the economic status of the Tribe so it can better provide housing, health care, education, cultural programs, and other services to its members.

Overall, the EPA encourages the development of an EIS that fully evaluates and compares project alternatives and comprehensively assesses direct, indirect, cumulative impacts of the project, and subsequent activities. Given the very broad purpose and need in the NOI, it appears that a wide variety of projects could be considered in the EIS. The NOI also includes a preliminary list of issues and environmental resources to be addressed in the EA analysis. We are offering the attached scoping comments to highlight issues the EPA believes are important to address in the NEPA analysis for the proposed project.

Thank you for the opportunity to provide comments at this stage of the EIS development process. If you have questions about our comments, please contact me at (206) 553-6322 or by electronic mail at mbabaliye.theogene@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theogene Mbabaliye', written over a circular stamp or seal.

Theogene Mbabaliye
Environmental Review and Sediment Management Unit

Enclosure:

1. EPA Detailed Scoping Comments on the Proposed Coquille Indian Tribe Fee-to-Trust and Casino Project, City of Medford, Jackson County, Oregon

EPA Detailed Scoping Comments on the Proposed Coquille Indian Tribe Fee-to-Trust and Casino Project City of Medford, Jackson County, Oregon

Water resources impacts

Section 303(d) of the Clean Water Act (CWA) requires the State of Oregon and Tribes with the EPA-approved water quality standards to identify water bodies that do not meet water quality standards and to develop water quality restoration plans to meet established water quality criteria and associated beneficial uses. The EIS should disclose impacted waters, the nature of the impacts, and specific pollutants likely to affect those waters. It should also report those water bodies potentially affected by the project that are listed on the State and any Tribe's most current EPA-approved 303(d) list. The EIS document should describe existing restoration and enhancement efforts for those waters, how the project will coordinate with on-going protection efforts, and any mitigation measures implemented to avoid further degradation of impaired waters. Please also note that antidegradation provisions of the CWA prohibit degrading water quality within waterbodies that are currently meeting water quality standards. Because of this, the EIS document should indicate how the project will meet those provisions.

Under the CWA, any project construction that would disturb a land area of one or more acres also requires a National Pollutant Discharge Elimination System permit for discharges to waters of the U.S. The EIS should document the project's consistency with applicable storm water permitting requirements and should discuss specific mitigation measures which may be necessary or beneficial in reducing adverse impacts to water quality.

Since the project may also impact sources of drinking water, BIA should contact the Oregon Department of Environmental Quality to help identify source water protection areas within the analysis area and, if necessary, include the following in the EIS document:

- a) Source water areas within the project area.
- b) Activities that could potentially affect source water areas.
- c) Potential contaminants that may result from the proposed project.
- d) Measures which would be taken to protect the source water protection areas.

Source water is water from streams, rivers, lakes, springs, and aquifers that is used as a supply of drinking water; and the 1996 amendments to the Safe Drinking Water Act require Federal agencies to protect sources of drinking water for communities.

Construction projects, such as the proposed casino, typically require infrastructure that may include heavy machinery to transport materials, existing and new access roads, and other facilities. Use of equipment and construction of facilities may compact soils and change hydrology, runoff characteristics, and ecological function of sites, affecting flows and delivery of pollutants to waterbodies. Therefore, the EIS should include a detailed discussion of the cumulative effects from this and other projects on the hydrologic conditions of the proposed project site and vicinity. The document should also clearly depict reasonably foreseeable direct, indirect and cumulative impacts to groundwater and surface water resources. For groundwater, BIA should identify potentially affected groundwater basins and any

potential for subsidence, and analyze impacts to springs or other open water bodies and biological resources.

Roads and their use also facilitate sediment transport to streams, increase habitat fragmentation and wildlife disturbance, as well as invasive plant infestations. Thus, the EIS should include data about existing and new roads and evaluate the change in road miles and density that will occur because of the project and predicted impacts to water quality by the roads.

Impacts to wetland, floodplain, and riparian resources

Based on information in the NOI, it is not yet clear whether wetlands are present on or adjacent to the project area. Therefore, the EIS should describe all waters of the United States, including wetlands, which could be affected by the project alternatives and include maps that clearly identify all waters within the planning area, as well as the pathways of alternative routes through the planning area. The document should include data on acreages and channel lengths, habitat types, values, and functions of these waters.

If wetlands are present and would be affected by the project, then, the EIS should discuss how the project would comply with the CWA §404 requirements, which are under the authority of the United States Army Corps of Engineers. The EIS should also evaluate potential impacts to adjacent wetlands or indirect impacts to wetlands, such as hydrologic changes due to increases in impervious surfaces. Project discharges can result from a variety of activities, including road and facility construction. The EIS should disclose where there are known waters or wetlands, which would be directly or indirectly affected by the proposed project.

Activities affecting floodplains are also regulated under the CWA §404 and Executive Order 11988, *Floodplain Management*. The EIS for this proposed action, therefore, should include information explaining why activities would be located in floodplains, alternatives considered, and steps taken to reduce impacts to floodplains. Floodplains perform a vital function of conveying and dissipating the volume and energy of peak surface runoff flows downstream. Thus, periodic flood flows form and sustain specific habitat types, such as wetland and riparian areas within floodplains. Because of this, it is important to preserve unimpaired flood flows and prevent flood-related damage to downstream resources. Furthermore, it should be noted that any floodplain mitigation requirements, which are identified by the Flood Emergency Management Agency may in themselves impact waters of the United States, and these impacts should be included in the overall CWA §404 analysis of alternatives, if any, are identified.

Air quality impacts

The protection of air quality should be addressed in the EIS. The types of fuels to be used during construction activities, increased traffic during operations, and related volatile organic compounds and nitrogen oxides emissions, should be disclosed and the relative effects on air quality and human health evaluated. Dust particulates from construction activities and ongoing operation of roadways are important concerns. Thus, the EIS should evaluate air quality impacts and detail mitigation steps that would be taken to minimize impacts. This analysis should also address and disclose the project's potential impacts on all criteria pollutants under the National Ambient Air Quality Standards, including ozone, visibility impairment, and air quality related values in the protection of any affected Class I Areas, any significant concentrations of hazardous air pollutants, and protection of public health.

Seismic risk

Construction and operation of the proposed project may cause or be affected by increased earthquake activity in tectonically active zones. Because of this, it will be important to discuss the potential for seismic risk and approaches to evaluate, monitor, and manage the risk. The document should include a seismic map or a reference to it.

Impacts to endangered species

The proposed project may impact endangered, threatened or candidate species listed under the Endangered Species Act (ESA), their habitats, as well as State sensitive species. The EIS should identify the endangered, threatened, and candidate species under ESA, and other sensitive species within the proposed project area. In addition, the EIS should describe the critical habitat for these species; identify any impacts the proposed project will have on these species and their critical habitat, and how it will meet all requirements under ESA, including consultation efforts with the U.S. Fish and Wildlife Service and National Marine Fisheries Service.

Vegetation and habitat impacts

The proposed project may have impacts on fish and wildlife habitat, and habitat connectivity. The EIS should describe the current quality and potential capacity of habitat, its use by fish and wildlife on and near the proposed project area, and identify known fish and wildlife corridors, migration routes, and areas of seasonal fish and wildlife congregation. The EIS should evaluate effects on fish and wildlife from habitat removal and alteration, aquatic and terrestrial habitat fragmentation caused by roads, land use, and management activities, and human activity. The EIS should also evaluate the impacts the project may have on plant species and their habitats.

Cumulative Effects

The EIS should assess impacts over the entire area of impact, and it may be of particular importance to consider the effects of other past, present and future projects both in and outside the project area, together with the proposed action, including those by entities that are not affiliated with the BIA. Where adverse cumulative impacts may exist, the EIS should disclose the parties who would be responsible for avoiding, minimizing, and mitigating those adverse impacts.

In determining cumulative effects, the EIS should clearly identify the resources that may be cumulatively impacted, the time over which impacts are going to occur, and the geographic area that will be impacted by the proposed project. The focus should be on resources of concern - those resources that are at risk and/or are significantly impacted by the proposed project before mitigation. In the introduction to the Cumulative Impacts Section, identify which resources are analyzed, which ones are not, and why. For each resource analyzed, the EIS should:

- a. Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.
- b. Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- c. Identify the future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends. For example, what will the future condition of the watershed be?

- d. Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.
- e. Disclose the parties who would be responsible for avoiding, minimizing, and mitigating those adverse impacts.
- f. Identify opportunities to avoid and minimize impacts, including working with other entities.

Climate change effects

Scientific evidence supports the concern that continued increases in greenhouse gas emissions resulting from human activities contribute to climate change. Effects of climate change may include changes in hydrology, sea level, weather patterns, precipitation rates, and chemical reaction rates. The EIS document, therefore, should consider how resources affected by climate change could potentially influence the proposed project and vice versa, especially within sensitive areas. In addition, the EIS should quantify and disclose greenhouse gas (GHG) emissions from the project and discuss mitigation measures to reduce emissions. For more information on climate change effects, please consult the Council on Environmental Quality's revised draft guidance¹ on consideration of GHGs emissions and effects of climate change in NEPA review.

Permits and other authorizations

The EIS should include a list of all permits and authorizations that the proposed project may already have and will need including modification(s) to any existing permit or authorization, what activity and/or facility is regulated by the permit or authorization, entities that will issue each permit and authorization, when each will expire, and conditions to assure protection of human health and the environment. Such information, presented in a consolidated fashion, will assist us and decision-makers in evaluating risks and mitigation measures.

Pollution Prevention/Green Building

The proposed action would involve construction of a new facility, which can provide an opportunity to design a building that utilizes green building² techniques, reduces waste generation, and reduces energy consumption. We recommend that the EIS consider discussing a strategy to support low-impact building and operation. The BIA may also consider pursuing the Leadership in Energy and Environmental Design (LEED) certification for the casino facility because the program³ assists in the design, construction and operation of high performance green buildings.

Environmental Justice and Public Participation

If the project area includes environmental justice populations, then, the EIS would need to address the potential for disproportionate adverse impacts to minority and low-income populations, and approaches used to foster public participation by these populations. One tool available to locate Environmental Justice populations is the Environmental Justice Geographic Assessment tool, which is available online⁴.

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), directs federal agencies to identify and address

¹ http://www.whitehouse.gov/sites/default/files/docs/nepa_revised_draft_ghg_guidance.pdf

² http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tswm_buildingresources

³ <http://www.usgbc.org/certification>

⁴ <http://epamap14.epa.gov/ejmap/entry.html>

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process.

Monitoring

The proposed project has the potential to affect a variety of resources for an extended period. As a result, we recommend that the project design include an environmental inspection and mitigation-monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. The EIS document should describe the monitoring program and its use as an effective feedback mechanism so that any needed adjustment can be made to meet environmental objectives throughout the life of the project.

FEB 27 2015



United States Department of the Interior

**Bureau of Indian Affairs
Northwest Regional Office**
911 NE 11th Avenue
Portland, Oregon 97232-4169



02/26/2015

In Reply Refer To:
Division of Environmental Services

RECEIVED ON:

MAR 04 2015

EPA Region 10
Office of the Regional Administrator

U.S. Environmental Protection Agency - Region 10
Attn: Dennis McLerran, Regional Administrator
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Subject: NEPA Cooperating Agency Invitation – Coquille Fee-to-Trust and Gaming Facility EIS

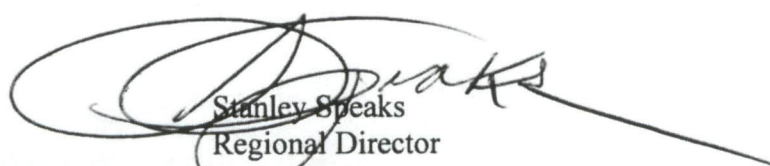
Dear Mr. McLerran:

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) to analyze the environmental consequences of the Coquille Indian Tribe's (Tribe) application for a proposed 2.4-acre fee-to-trust transfer and gaming facility project and reasonable range of alternatives. The proposed 2.4-acre project site is located within the City of Medford, Oregon adjacent to the northeastern boundary of Highway 99, between Charlotte Ann Lane and Lowry Lane. The proposed project would transfer approximately 2.4 acres of land from fee to trust status, upon which the Tribe would renovate an existing bowling alley to convert it into a gaming facility with a bar/deli and other supporting facilities. Adjacent fee land would be used for parking.

The BIA is serving as the Lead Agency for NEPA compliance. At this time we are extending an invitation to the U.S. Environmental Protection Agency to participate in the EIS process as a Cooperating Agency. Please inform this office by March 20, 2015 of your willingness to accept this role.

If you have any questions or need additional information, please contact Dr. B.J. Howerton, Environmental Protection Specialist, at (503) 231-6749.

Sincerely,


Stanley Speaks
Regional Director



United States Department of the Interior

Bureau of Indian Affairs
Northwest Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4169

In Reply Refer To:
Environmental Services

APR 13 2016

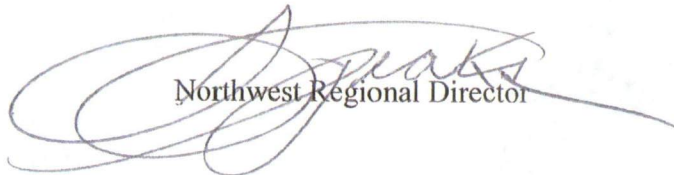
United States Environmental Protection Agency
Region 10
Teena Littleton, Manager
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Dear Ms. Littleton:

The Bureau of Indian Affairs (BIA), as lead agency, is seeking Environmental Protection Agency's review and comment on the administrative draft Environmental Impact Statement (EIS) for the proposed Coquille Fee-to-Trust and Gaming Facility Project located in the City of Medford, Oregon. The BIA respectfully requests comments by no later than May 9, 2016.

Please send comments to: Northwest Regional Director, BIA, Attention: Environmental Services, 911 Northeast 11th Avenue, Portland, Oregon 97232. If you have any questions please contact Dr. BJ Howerton, Environmental Protection Specialist, at (503) 231-6749.

Sincerely,


Northwest Regional Director

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

March 25, 2015

Mr. Stanley Speaks, Regional Director
DOI Bureau of Indian Affairs
Northwest Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4169

Dear Mr. Speaks:

Thank you for extending an invitation to the Environmental Protection Agency, Region 10 on February 26, 2015, to become a cooperating agency for the proposed 2.4-acre fee-to-trust transfer and gaming facility project proposed by the Coquille Indian Tribe (EPA Project Number 15-008-BIA). The EPA declines to participate as a formal cooperating agency for this project. For the EPA, participation as a formal cooperating agency generally commands a high priority and commitment of Regional program staff resources, which are above and beyond early and routine involvement. In this case, we do not have sufficient resources to support a higher level of involvement. However, we will comment at the appropriate times during EIS development and review. We sent scoping comments on February 17, 2015, and we will keep an eye out for the EIS when it is ready for review.

Thank you for the opportunity to participate. Please feel free to contact me at 206-553-1601 or reichgott.christine@epa.gov if you have questions.

Sincerely,

A handwritten signature in blue ink, reading "Christine B. Reichgott", is positioned above the typed name.

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

From: [Mbabaliye, Theogene](#)
To: [Howerton, B](#)
Subject: Administrative Draft EIS for Coquille Indian Tribe Fee-To-Trust and Gaming Facility project
Date: Thursday, May 05, 2016 9:33:00 AM

Hi BJ,

We received the above document some time back and I see that you request our comments no later than May 9, next Monday. I tracked the project in the EPA EISs database but did not find it. Have you filed the EIS with the EPA? Also, I could not find a Federal Register Notice of Availability for it. Please let me know. Thanks.

Theo Mbabaliye, Ph.D.
US EPA Region 10
1200 6th Ave., Suite 900, ETPA-202-3
Seattle, WA 98101-3140
Phone: (206) 553-6322
Fax: (206) 553-6984

From: [Mbabaliye, Theogene](#)
To: [Howerton, B](#)
Subject: Comments on your Administrative DEIS for the proposed Coquille Indian Tribe Fee-To-Trust and Gaming Facility project
Date: Monday, May 09, 2016 11:18:00 AM
Attachments: [15-0008-BIA DEIS Coquille Indian Tribe Fee-To-Trust.pdf](#)

Hi BJ!

Attached, please find a copy of our comment letter on you're the subject Administrative DEIS. A hard copy of the same comments is on its way to your office in Portland and should arrive soon. In the meantime, let me know if you have any question about our comments for assistance.

Again thank you for involving us in review of your NEPA document and look forward to reviewing future documents for this project.

Theo Mbabaliye, Ph.D.
US EPA Region 10
1200 6th Ave., Suite 900, ETPA-202-3
Seattle, WA 98101-3140
Phone: (206) 553-6322
Fax: (206) 553-6984

From: [Mbabaliye, Theogene](#)
To: [Howerton, B](#)
Subject: Your proposal for the Coquille Casino project
Date: Tuesday, February 17, 2015 4:11:00 PM
Attachments: [15-0008-BIA Scoping for Coquille Indian Tribe Fee-To-Trust and Casino Project.pdf](#)

Hi BJ!

Attached please find the EPA scoping comments on your proposed project for the Coquille Tribe. A hard copy of the same comments was dropped in the mail today and should arrive at your office soon. In the meantime, please let me know if you have questions about our comments.

Thanks again for involving us in your project and look forward to receiving your draft EIS for review and comment.

Theo Mbabaliye, Ph.D.
US EPA Region 10
1200 6th Ave., Suite 900, ETPA-202-3
Seattle, WA 98101-3140
Phone: (206) 553-6322
Fax: (206) 553-6984